

Application No. 10/715,944
Amendment "A" dated December 2, 2005
Reply to Office Action mailed October 5, 2005

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent in person interview. The amendments made by this paper are consistent with the proposals discussed during the interview.

The Office Action, mailed October 5, 2005, considered claims 1-35. Claims 6-35 were withdrawn from consideration. Claims 1-5 were rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn et al. (U.S. Patent No. 6,782,253 B1).¹ Claims 1-5 were also objected to because of a problem with regard to antecedent basis for certain language, which has been fixed, as discussed during the interview. The oath or declaration was also found to be defective. However, as discussed and agreed to during the interview, the rejections to the oath and declaration should be withdrawn inasmuch as it is in proper form and includes all of the required elements.

By this paper, claims 1 and 5 have been amended, claims 6-35 have been cancelled (and pursued in divisional applications), while new claims 36-43 have been added, such that claims 1-5 and 36-43 remain pending.

Claim 1, the only independent claim at issue, corresponds to a method of a server selecting an interface that controls presentation of information to be delivered to a mobile user based on an identification of a user and at least one of user preferences and usage data. As recited, the method includes the server receiving information identifying a physical location of a mobile device that is being used by a mobile user, as well as an identification of the mobile user,

¹ Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, inasmuch as it is not necessary following the amendments and remarks made herein, which distinguish the claims from the art of record, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

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a time indicator, and aggregate user preference data that is based on the received identification and that corresponds to at least one of user preferences or usage data. The server then selects at least one interface, from a plurality of interfaces, to be communicated to the user based on determining which of the plurality of interfaces are relevant according to at least the aggregate user preference data. The interface is then used by the mobile device to present information at the mobile device in a manner dictated by the interface.

It was clarified during the interview, how the present claims are clearly distinguished from the art of record, for at least the fact that Shteyn appears to be directed to broadcasting information without regard to the identity of a user. The user's device then filters through the information to find matches to initiate other activities. Shteyn clearly fails to disclose or suggest, among other things, a method for transmitting interfaces to a user that control the presentation of information, wherein the determination of which interface is transmitted is based at least in part on a user's aggregate user preference data and that further corresponds to at least one of user preferences or usage data, as claimed.

Shteyn was distinguished from the present invention during the interview for at least this reason, as well as others. Shteyn was also distinguished from the new dependent claims, which recite corresponding embodiments that clarify requirements for selecting the interface, based on time (claim 36) and physical location (claim 37), and that clarify how identification of the user is performed, such as with a PUID (claim 38), with a PIN (claim 39), with a MSISND (claim 40). The embodiment recited in claim 41 further includes detecting a change in a physical location of the mobile device and providing a corresponding new interface to the mobile device. Multiple interfaces can also be sent to the mobile device (claim 42). In claim 43, it is clarified how the aggregate user preference data, which is used to select the interface, includes computer usage

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data corresponding to a user's tracked usage on a device, such as a PC, other than the mobile device.

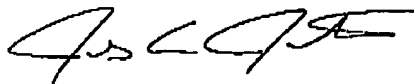
Support for the claim amendments and new claims is found throughout the specification, including the disclosure found in paragraphs [27, 45-48, 59, 63, 40-41].

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are distinguished and allowable over the art of record and that all of the rejections of record are now moot.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 2 day of December, 2005.

Respectfully submitted,



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